

## **EXHIBIT D**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CERTIFIED  
COPY**

ABHINAV BHATNAGAR,

Plaintiff,

-vs-

CASE NO. C07-02669

JASON INGRASSIA, individually)  
and in his official capacity; )  
COUNTY OF CONTRA COSTA; and )  
CITY OF SAN RAMON, )

Defendants. )

DEPOSITION OF ABHINAV BHATNAGAR

Wednesday, October 17, 2007

10:00 a.m.

McNamara, Dodge, Ney,  
Beatty, Slattey, Pfalzer, Borges &  
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A P P E A R A N C E S

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Also Present: LT. ERIC NAVARRO  
JASON INGRASSIA

--oOo--

## **EXHIBIT D-1**

1 test, you were being cooperative with him, you had told  
2 him that you had just come in to get gas. You had told  
3 him you had been drinking. Are all those three -- are  
4 those three facts true?

5 MS. HUANG: Objection. I believe that  
6 mischaracterizes his testimony.

7 MR. HARVEY: It's not asking what his testimony  
8 is. It's asking whether those three facts are true. Do  
9 you understand that question?

10 MS. HUANG: Objection. Compound question.

11 MR. HARVEY: All right. Let me do it one at a  
12 time.

13 Q BY MR. HARVEY: You told him you had been  
14 drinking; yes?

15 A Yes.

16 Q You had told him that you had just driven in to  
17 buy gas when he asked you about whether you had been  
18 across the street at the bar?

19 A I told him yes, you know, I didn't come from  
20 the bar.

21 Q And you told him you had just come in to buy  
22 gas?

23 A Yeah, I was getting gas. I must have told him,  
24 yes.

25 Q All right. And you told him that you had had

## **EXHIBIT D-2**

1 A Yes, I mean --

2 Q All right. You believe in being cooperative  
3 with law enforcement officers; is that right?

4 A Yes, sir.

5 Q And when he asked you the questions about  
6 drinking you wanted to help him by answering because you  
7 had a relative who had been killed by a drunk driver; is  
8 that right?

9 A Yes, sir.

10 Q You wanted to be cooperative with Officer  
11 Ingrassia in the early morning hours of May 20th, 2006,  
12 at the Valero gas station; is that right?

13 A I was cooperative with him, sir.

14 Q I see. You wanted to do whatever he asked to  
15 you do to keep -- help keep drunk drivers off the road;  
16 is that right?

17 A Yes, sir, I believe that.

18 Q All right. And you told Officer Ingrassia that  
19 you had been drinking that night?

20 A Yes, sir.

21 Q And you told him you had two drinks that night?

22 A Yes, sir.

23 Q And you told him that you had had cough  
24 medicine that night?

25 A Yes, sir.

1 Q A cough syrup?

2 A Yes, sir.

3 Q Do you know what the alcoholic content of the  
4 cough syrup was?

5 A I don't know.

6 Q What brand was it?

7 MS. HUANG: Objection. Asked and answered.

8 MR. HARVEY: I understand.

9 THE WITNESS: I don't remember, you know, what.

10 Q BY MR. HARVEY: Do you know how many doses of  
11 cough medicine you had had that night?

12 A I had cough syrup all day long.

13 Q All day long?

14 A I had taken in the afternoon once and then in  
15 the nighttime after, so it was like twice, yeah, but the  
16 one in the afternoon was a lot earlier.

17 Q As you sit here today, there are three or four  
18 brands of cough medicine that you use?

19 A Yeah, Walgreen's, you know, when I go to  
20 Walgreen's or Longs.

21 Q So you use the store brand of Walgreen's or  
22 Longs because it's cheaper?

23 MS. HUANG: Objection. Assumes facts not in  
24 evidence.

25 Q BY MR. HARVEY: That's question. Do you buy



## **EXHIBIT D-3**

1 remember that part.

2 Q Okay.

3 A I might have or I might not to be --

4 Q Are there things about this incident that you  
5 don't remember? Things that he may have asked you that  
6 you don't remember?

7 A I just today going through documents with the  
8 counsel, and what I remember, I answered what I  
9 remembered.

10 Q That's right. I understand you're answering  
11 what you remember, but there -- I am asking you now when  
12 you sat down to review the documents, did they help  
13 refresh your recollection?

14 A Yeah, I had not the seen police report for a  
15 long time.

16 Q All right. So in your main memory, other than  
17 what you found out from the documents you may have  
18 forgotten some of the details of these events; is that  
19 right? Until you reviewed the documents?

20 A I remember mainly everything.

21 Q You remember mainly everything. Okay. When  
22 you were speaking with Officer Ingrassia he asked you if  
23 you had been drinking; is that right?

24 A Yes, sir.

25 Q That was one of his first questions to you;

1 correct?

2 A No, sir. He asked me first, like, did you come  
3 from the bar.

4 Q His next question after that was have you been  
5 drinking after you said no?

6 A No, he said, like, we find a lot of drunk  
7 people here, it's weekend, Friday night or something,  
8 and we find a lot of drunk people here. It is the only  
9 club or bar here.

10 Q Right. I understand that. That's a statement.  
11 His next question to you was have you been drinking?

12 A Yes, I can say that was the one.

13 Q Okay. And because you believe in respecting  
14 people, especially law -- law officers, you were  
15 answering his questions; right?

16 A Yes, sir.

17 Q And because of that respect, you believe that  
18 you should do what the law enforcement officers ask you  
19 to do; is that right?

20 A I respect the law. I respect --

21 Q Listen my question, though. I understand you  
22 respect the law, we established that with the last  
23 question. I am asking you now because of that respect,  
24 you believed at that time you should do what the officer  
25 told you to do; is that right?

1       A   Yes, I mean --

2       Q   All right. You believe in being cooperative  
3 with law enforcement officers; is that right?

4       A   Yes, sir.

5       Q   And when he asked you the questions about  
6 drinking you wanted to help him by answering because you  
7 had a relative who had been killed by a drunk driver; is  
8 that right?

9       A   Yes, sir.

10      Q   You wanted to be cooperative with Officer  
11 Ingrassia in the early morning hours of May 20th, 2006,  
12 at the Valero gas station; is that right?

13      A   I was cooperative with him, sir.

14      Q   I see. You wanted to do whatever he asked to  
15 you do to keep -- help keep drunk drivers off the road;  
16 is that right?

17      A   Yes, sir, I believe that.

18      Q   All right. And you told Officer Ingrassia that  
19 you had been drinking that night?

20      A   Yes, sir.

21      Q   And you told him you had two drinks that night?

22      A   Yes, sir.

23      Q   And you told him that you had had cough  
24 medicine that night?

25      A   Yes, sir.

## **EXHIBIT D-4**

1 Q What did you tell him you were sick from?

2 A My contact lenses were hurting. They were old,  
3 so. He did ask me, can you do some physical test. And  
4 I just listened to him, whatever he told me to do.

5 Q Did Ingrassia tell you that before you did the  
6 field sobriety test that your eyes were bloodshot?

7 A No, he never said my eyes were bloodshot.

8 Q Did he ever tell you that he could smell the  
9 odor of alcoholic beverage on your person?

10 A No, he didn't say anything like that.

11 Q Okay. He asked you to perform some field  
12 sobriety tests?

13 A Yes, sir.

14 Q And you agreed to do so?

15 A I'm sorry.

16 Q You agreed to do so?

17 A Yes, sir.

18 Q And can you tell us what he asked you to do?

19 A As to my recollection I remember he told me to  
20 walk in a straight line. Lift my leg up. That's all I  
21 remember.

22 Q In your mind, did you have any opinion as to  
23 whether or not you were able to do those things?

24 A Yes.

25 Q Okay.

1        A    I did perfect.

2        Q    Okay.   In your opinion you did perfectly?

3        A    Yes.

4        Q    Did Officer Ingrassia tell you that he had a  
5 slightly different opinion?

6        A    He didn't say anything about those physical  
7 tests.

8        Q    Okay.   Did he ask you to do what's called a PAS  
9 test, P-a-s?

10       A    He just told me to blow on this.   You have to  
11 just go ahead and blow on this.

12       Q    Okay.   And did you do that?

13       A    Yes, sir.

14       Q    Did you guys have any conversation up to this  
15 point when you are blowing on the PAS machine that we  
16 haven't talked about?

17       A    That's it.   He told me to blow again on the PAS  
18 device.

19       Q    Okay.   I just want to emphasize again the  
20 reason I am asking these questions is I want there, you  
21 were.   So one of the reasons that I do the deposition is  
22 to know everything you know about it so that I can  
23 evaluate it.   So that's why I am asking these things,  
24 and I want to make sure I know everything you know.   so  
25 is there anything else, any other conversation you had

## **EXHIBIT D-5**



1           A    I don't remember, I don't think so he had any  
2 conversation.  Mainly it was Officer Ingrassia all the  
3 time, even in the field sobriety test.  He was the one  
4 telling me to do the test and everything.

5           Q    Did Officer Ingrassia -- how many field  
6 sobriety tests did Officer Ingrassia do with you?

7           MS. HUANG:  Objection.  Asked and answered.

8           THE WITNESS:  I believe at least two.  Two I  
9 remember.  I don't know.  Maybe three, but at least two.  
10 He did tell me to do those.

11          Q    BY MR. HARVEY:  So he asked you to count  
12 backwards?

13          A    I don't think so.  He told me to walk in a  
14 straight line.  And the leg one.  I don't think he told  
15 me to count backwards.  I don't remember.  I don't think  
16 so.  What do you mean, like count what?

17          Q    You don't remember counting for Officer  
18 Ingrassia?

19          A    No, it was more like he told me to walk, and  
20 the leg one.

21          Q    No, I have got that.  He told you to walk, he  
22 told you to stand on one leg, but did he also tell you  
23 to count?

24          A    No, he didn't tell me to --

25          Q    Is it your testimony here today that you have

1 never testified under oath that he told you to count?

2 A Maybe. I don't really remember. I remember  
3 these two for sure. I don't remember --

4 Q So you don't remember all of the ones that he  
5 asked you to do?

6 A Yes. I don't remember right now. You know,  
7 it's been a while.

8 Q Okay. After he asked you to do the field  
9 sobriety test, he asked you to blow into the PAS device;  
10 is that right?

11 A Yes, sir. He told me to blow at some device.  
12 I didn't know what the device was.

13 Q And you were cooperating with him, so you did  
14 that?

15 A Yes, sir.

16 MS. HUANG: Objection. Asked and answered.

17 Q BY MR. HARVEY: And when you -- you blew into  
18 the PAS device, did he tell you that you had blown over  
19 the limit?

20 A No, he told me to blow again, made me blow many  
21 times.

22 Q How many times did you blow into the PAS  
23 device?

24 A Many. I don't know. He made me blow many  
25 times. Six, seven times, something like that.

## **EXHIBIT D-6**

1           A    I did perfect.

2           Q    Okay. In your opinion you did perfectly?

3           A    Yes.

4           Q    Did Officer Ingrassia tell you that he had a  
5 slightly different opinion?

6           A    He didn't say anything about those physical  
7 tests.

8           Q    Okay. Did he ask you to do what's called a PAS  
9 test, P-a-s?

10          A    He just told me to blow on this. You have to  
11 just go ahead and blow on this.

12          Q    Okay. And did you do that?

13          A    Yes, sir.

14          Q    Did you guys have any conversation up to this  
15 point when you are blowing on the PAS machine that we  
16 haven't talked about?

17          A    That's it. He told me to blow again on the PAS  
18 device.

19          Q    Okay. I just want to emphasize again the  
20 reason I am asking these questions is I want there, you  
21 were. So one of the reasons that I do the deposition is  
22 to know everything you know about it so that I can  
23 evaluate it. So that's why I am asking these things,  
24 and I want to make sure I know everything you know. so  
25 is there anything else, any other conversation you had

## **EXHIBIT D-7**

1 never testified under oath that he told you to count?

2 A Maybe. I don't really remember. I remember  
3 these two for sure. I don't remember --

4 Q So you don't remember all of the ones that he  
5 asked you to do?

6 A Yes. I don't remember right now. You know,  
7 it's been a while.

8 Q Okay. After he asked you to do the field  
9 sobriety test, he asked you to blow into the PAS device;  
10 is that right?

11 A Yes, sir. He told me to blow at some device.  
12 I didn't know what the device was.

13 Q And you were cooperating with him, so you did  
14 that?

15 A Yes, sir.

16 MS. HUANG: Objection. Asked and answered.

17 Q BY MR. HARVEY: And when you -- you blew into  
18 the PAS device, did he tell you that you had blown over  
19 the limit?

20 A No, he told me to blow again, made me blow many  
21 times.

22 Q How many times did you blow into the PAS  
23 device?

24 A Many. I don't know. He made me blow many  
25 times. Six, seven times, something like that.

1           Q    Do you know on which breaths he tested you?

2           A    I'm sorry, what breath? Like he told me to

3   blow on --

4           Q    He just told you to blow, but he didn't tell  
5   you when he was actually testing or taking the samples,  
6   did he?

7           A    No, he just kept on telling me blow, blow  
8   again.

9           Q    And after he checked out what the PAS device  
10   said, was that the first time he told you you are under  
11   arrest?

12          A    No, he never told me under arrest any time.

13          Q    It was after that that he told you cuff up?

14          A    No, it was six, seven times.

15          Q    After the PAS test that's when he told you to  
16   cuff up; is that right?

17          A    Yeah, but I think the last time he said, you  
18   know, put your hands behind.

19          Q    All right. So before that did you have any  
20   sense that you were about to be arrested?

21          A    I don't know. I was cooperating with the  
22   officer, you know.

23          Q    My question was up to the point at which he  
24   asked you to put your hands behind your back to cuff up,  
25   did you have any sense that you were being arrested?

## **EXHIBIT D-8**



1 with Ingrassia up to now that we haven't talked about?

2 MS. HUANG: Objection. Vague.

3 THE WITNESS: Whatever interaction with  
4 Ingrassia, I told you, to now, whatever, until now, at  
5 the gas station. That's it.

6 Q BY MR. FITZGERALD: Okay. Nothing -- you've  
7 told me everything that happened up to the point where  
8 you take the PAS test?

9 A It's --

10 MS. HUANG: Objection. Vague.

11 THE WITNESS: The girl at the gas station made  
12 a remark, you know, you guys look good in the uniform.  
13 I don't know what she said, but she made a remark on  
14 their uniform, when she was talking to the other  
15 officer, too, and the other officer was real friendly  
16 with her.

17 Q BY MR. FITZGERALD: Okay. But that didn't have  
18 anything to do with you and Ingrassia?

19 A No.

20 Q Okay. So have you told me everything that  
21 happened between you and Ingrassia up to this point  
22 where he asked you to blow in the PAS machine?

23 MS. HUANG: Objection. Vague.

24 THE WITNESS: Yeah. He made me blow many times  
25 on this device.

1           Q    BY MR. FITZGERALD: Did you ask him how you did  
2           or did he tell you how you did?

3           A    I did ask him.

4           Q    What did he say?

5           A    He said you are on the borderline.

6           Q    Okay. He said you are on the borderline?

7           A    Yeah.

8           Q    Okay.

9           A    Yes. I'm sorry.

10          Q    And what did he say after that?

11          A    He said put your hands behind, and handcuffed  
12          me and he took my wallet and handkerchief, or -- I don't  
13          remember if I had any medications or something, but  
14          whatever I had in my pockets he took.

15          Q    So he patted you down before he put you in the  
16          police car?

17          A    Yes.

18          Q    Okay. Up to this point in time, had Officer  
19          Ingrassia said anything to you that you thought was  
20          inappropriate?

21          A    He had not said anything, but I felt weird that  
22          I was being -- where this other person, they were not  
23          doing anything to that girl.

24          Q    Okay. Did -- was Officer Ingrassia rude to you  
25          in any way up to this point in time?